

*City of Lincoln  
Federal Transit Authority  
Program*

*Drug and Alcohol Testing  
Program and Policy*

*Federal Transit Authority (FTA)  
Drug/Alcohol Testing Program Policy*

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APPENDIX I – LIST OF COVERED POSITIONS

APPENDIX II – LIST OF SUPERVISORS

APPENDIX III – TERMS AND DEFINITIONS

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APPENDIX VII – AGREEMENT

RESOLUTION NO. A- **77140**

1 WHEREAS, the Omnibus Transportation Employee Testing Act of 1991  
2 directed the Federal Transit Administration to issue regulations on drug and  
3 alcohol testing for mass transit workers in safety sensitive positions; and

4 WHEREAS, the Federal Transit Administration issued final regulations for  
5 drug and alcohol testing for mass transit workers effective March 17, 1994;  
6 and

7 WHEREAS, the final regulations require recipients of Federal Transit  
8 Administration funding to test safety sensitive employees for the prohibited  
9 use of controlled substances as a condition of the receipt of federal funding;  
10 and

11 WHEREAS, the regulations at 49 C.F.R. § 653.25 and 654.71 require that  
12 the governing body of the employer must adopt the policy on drug and alcohol  
13 testing for mass transit workers in safety sensitive functions; and

14 WHEREAS, the regulations require that employers of mass transit  
15 employees serving a population of less than 200,000 shall have implemented and  
16 in place a drug and alcohol testing policy pursuant to the federal regulations  
17 as of January 1, 1996

18 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
19 Lincoln, Nebraska:

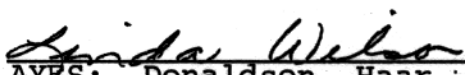
20 That the City of Lincoln Drug and Alcohol Testing Program and Policy  
21 required by 49 C.F.R. parts 653 and 654 outlining the requirements for drug  
22 and alcohol testing of mass transit workers in safety sensitive positions,

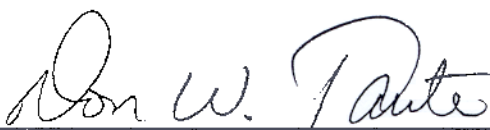
1 which is attached hereto as Exhibit "A" is hereby accepted and approved by the  
2 City Council of the City of Lincoln, Nebraska as the governing body of the  
3 employer as required by the Federal Transit Administration Regulations for  
4 Drug and Alcohol Testing of safety sensitive employees;

5 BE IT FURTHER RESOLVED that a copy of this Resolution and the Drug and  
6 Alcohol Testing Program and Policy attached hereto be transmitted to Pat Kant  
7 in the City/County Personnel Department for notice and dissemination to all  
8 affected employees as required by the federal regulations

Introduced by:

Approved as to Form and Legality:

  
AYES: Donaldson, Haar, Johnson,  
Seng, Shoecraft, Wilson, Young;  
NAYS: None.

  
Assistant City Attorney

Staff Review Completed:

  
Administrative Assistant

12/18/95 Council Proceedings:

YOUNG Moved to suspend the rules to place this on the agenda for  
public hearing & action on this date.

Seconded by Wilson & carried by the following vote: AYES:  
Donaldson, Haar, Johnson, Seng, Shoecraft, Wilson, Young;  
NAYS: None.

APPROVED  
DEC 22 1995  
  
MAYOR

ADOPTED

DEC 18 1995

By City Council

## POLICY STATEMENT

In accordance with **the City of Lincoln's** commitment for a safe workplace, the **City of Lincoln** (hereinafter called "**City**") will not hire or employ individuals who use illegal drugs or alcohol registering at defined concentration levels. It is recognized that use of alcohol and/or illegal drugs on and off the job eventually takes a toll on job performance and can put employees' and the public's safety at risk. The use, sale or possession of illegal narcotics, illegal drugs or controlled substances while on the job, on duty or on any City facility or property is a disqualifying or dischargeable offense.

In an attempt to improve safety in the transportation industry, the U. S. Department of Transportation (DOT) Federal Transit Authority (FTA) has established rules requiring operators of motorized vehicles have an anti-drug and alcohol program for employees. The **City** adopted 49 CFR and pertinent subparts to be effective on January 1, 1996.

It is the City's intention to comply fully with the DOT regulations governing drug and alcohol use and testing, and the requirements of the DOT regulations have been incorporated into this Policy. In the event DOT regulations are amended, this Policy and the applicable term(s), condition(s) and/or requirement(s) of this Policy shall be deemed to have been amended automatically at that time, without the need for redrafting, in order to reflect and be consistent with DOT regulations. In such case, the City reserves the right to apply the amended requirements immediately, and without giving prior notice to safety sensitive employees and/or applicants, unless such notice is required by DOT or another applicable law. The City reserves the right to amend the list of positions covered by this policy and the supervisory positions required to attend training without redrafting the entire policy. It is also the City's intention to comply with any applicable state requirements governing drug and/or alcohol testing which are not preempted by DOT regulations. The City also intends to comply with the applicable requirements of the Drug-Free Workplace Act of 1988, the Americans With Disabilities Act and the Family and Medical Leave Act.

For purposes of this Policy and the City's drug and alcohol testing program, performing a "safety-sensitive function" means any of the following for positions covered by *Federal Transit Authority (FTA)*: (i) driving; (ii) the time spent waiting to be dispatched at a carrier's or shipper's terminal, plant, facility or other property, unless the driver has been relieved from duty; (iii) inspecting, serving or conditioning equipment; (iv) being in or on a commercial motor vehicle (except resting in the sleeper berth); (v) loading or unloading, including supervising or assisting in loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle; giving or receiving receipts for a shipment being loaded or unloaded; (vi) securing the

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vehicle and taking all of the other precautionary measures required by DOT regulations following an accident (40 CFR parts 392.40 and 392.41); (vii) repairing, obtaining assistance, or attending a disabled vehicle. A complete list of positions covered by this policy is found in the appendix.

Any job applicant applying for a position who refuses or fails a pre-employment drug test will not be hired for that position. Any employee covered by this policy who refuses or fails a drug and/or alcohol test will immediately be removed from operating a commercial vehicle. Any employee covered by this policy who refuses to submit to or fails a drug and/or alcohol test shall be subject to management/supervision intervention for reasonable suspicion that may result in referral to substance abuse mandatory treatment and/or disciplinary action up to and including termination.

It is understood that a policy cannot address every situation that may arise, and in those situations which are not covered in this policy, each shall be handled on its individual merits by the Plan Administrator.

DRUG/ALCOHOL TESTING PROCEDURES

**1. Employee Category**

- 1.1 The Omnibus Transportation Employee Testing Act of 1991 requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad and mass transit industries. The Federal Transit Authority (FTA) requires alcohol and drug testing of employees who perform a safety sensitive function.
- 1.2 For purposes of this Policy and the City's drug and alcohol testing program, performing a "safety-sensitive function" means any of the following for positions covered by *Federal Transit Authority (FTA)*: (i) driving; (ii) the time spent waiting to be dispatched at a carrier's or shipper's terminal, plant, facility or other property, unless the driver has been relieved from duty; (iii) inspecting, serving or conditioning equipment; (iv) being in or on a commercial motor vehicle (except resting in the sleeper berth); (v) loading or unloading, including supervising or assisting in loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle; giving or receiving receipts for a shipment being loaded or unloaded; (vi) securing the vehicle and taking all of the other precautionary measures required by DOT regulations following an accident (40 CFR parts 392.40 and 392.41); (vii) repairing, obtaining assistance, or attending a disabled vehicle.
- 1.3 In addition, any employee contracted by the **City** filling any safety sensitive position, will be covered by and is expected to maintain a drug testing policy in accordance with federal regulations to continue this contractor relationship. The **City** will maintain the coverage of this plan. The contractor must permit access to property and records by the **City**, the D.O.T. and any jurisdictional state agency for the purpose of monitoring compliance with the requirements of Part 391.
- 1.4 Temporary safety sensitive employees who are contracted by the City and who participate in the drug and alcohol testing program of that other company, need not be subject to drug testing by the **City**. However, the other company must certify that the safety sensitive employee is fully qualified to drive and will provide a written statement in compliance with D.O.T. regulations, upon written approval of the safety sensitive employee.



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- 1.5 Covered employees in the Mayor's Department, Aging Division, Handyman Section, are subject to the terms of the contract with the Nebraska Department of Roads/Transit Systems Public Transportation Drug and Alcohol Consortium Committee and where silent the terms of the City of Lincoln FTA Drug and Alcohol Policy.

**2. Supervisory Training**

- 2.1 All supervisors of individuals performing safety sensitive positions previously defined in employee category, are required to complete a minimum of sixty (60) minutes of training for detecting signs and symptoms of drug use on the job and sixty (60) minutes covering alcohol testing program.
- 2.2 A list of supervisory positions covered by this policy is found in the appendix.

### **3. Required Testing**

3.1 In general: The City is required by DOT to conduct tests under the following conditions or times: (i) before a safety sensitive employee-applicant is hired or an existing non-DOT worker performs DOT driving duties ("pre-employment/pre-duty" testing); (ii) for reasonable suspicion; (iii) following certain accidents (post-accident testing); (iv) on a random basis; (v) return-to-duty, and (vi) follow-up. The City's procedures and requirements for each test are discussed below.

#### **3.2 Pre-employment/Pre-Duty Testing**

- 3.21 A pre-employment drug test will be conducted when an applicant is conditionally hired for a position listed in this policy.
- 3.22 An employee who is conditionally offered a lateral transfer, promotion or demotion from a position not covered by this policy into a position listed in this policy will be required to test and pass before assuming this new position.
- 3.23 Instances where an individual's status within the agency changes or is reclassified (i.e., seasonal layoff, leave of absence, out or reassigned for worker's compensation) for 30 days or more, a pre-employment test is required prior to reassignment to a safety-sensitive job function. This does not include temporary leave such as vacation, sick or jury duty.
- 3.24 Prior to taking a pre-employment/pre-duty drug test, the applicant will be given forms notifying the applicant to report for a drug test, the forms would include instructions and an explanation of the collection procedures for each test. The applicant will also be asked to execute a general consent and release to be tested for drugs.
- 3.25 All offers by the City to hire an applicant for, or to assign or transfer an applicant to, a covered FTA safety sensitive position are conditioned upon the applicant: (i) executing the City's general consent and release to be tested for drugs forms: (ii) taking and passing a drug test as directed by the City; (iii) executing the City's authorization to obtain past drug and alcohol test results form (which authorizes the City to obtain all of the applicant's past drug and alcohol test results, including any refusals to test, from each company for whom the safety sensitive employee either worked, or took

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or refused to take a pre-employment/pre-duty testing during the previous two years and the result of those tests including any refusals); (iv) receiving educational material about drugs and alcohol; (v) complying with any other conditions or requirements of which the City advises the applicant at the time of the offer.

- 3.26 Any applicant who refuses or fails to execute the City's general consent and release to be drug tested forms, who refuses or fails to execute the City's authorization to obtain past drug and alcohol test results form, who refuses or fails to submit to a pre-employment/pre-duty drug test as directed, or whose result is positive for the drug test, will not be considered eligible to work for the City. Any job applicant whose request for consent form indicated they failed a test from a previous employer **must** be certified by a SAP as being qualified to hold a safety sensitive position before being considered for current employment.
- 3.27 Existing workers who test positive will not be considered qualified for the position for which they are applying and will also be subject to City discipline, up to and including termination.
- 3.28 All pre-employment job applicants covered by this policy who test positive will not be hired. Any applicant has the right to have their original split sample retested (by a DHHS certified laboratory, the original laboratory will follow approved transfer procedures) at their expense, if requested in writing to the Medical Review Officer with a copy to the Plan Administrator within 72 hours of the final result provided by the MRO. If upon retest the results are found to be negative, the **City** will reimburse the costs involved with the retest. If the second test is found to be positive, the applicant will not be hired.
- 3.29 Current employees transferring, promoting or demoting into a position requiring drug testing who test positive have the right to have their split sample retested (by a DHHS certified laboratory, the original laboratory will follow approved transfer procedures) at their expense, if requested in writing to the Medical Review Officer with a copy to the Plan Administrator within 72 hours of the final result provided by the MRO. If upon retest the results are found to be negative, the **City** will reimburse the costs involved with the retest.

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3.210 Job applicants who previously tested positive on a pre-employment test must be certified by a SAP (Substance Abuse Professional) as being qualified to hold a safety-sensitive position before being considered for current employment after a 6 month waiting period from testing positive. If employment occurs, the new employee will be placed in a follow-up drug and alcohol testing program in addition to the random pool, post-accident or reasonable suspicion they would be involved and they would also be required to follow any other SAP recommendations. The employee will be subject to termination upon any other failed drug or alcohol test from the time of employment.

3.211 Job applicants who were previously employed by the City of Lincoln and terminated due to non-compliance of the drug and alcohol policy are not eligible for re-employment until the completion of a two year waiting period from the time of termination. Upon completion of the waiting period, the applicant must then be certified by a SAP (Substance Abuse Professional) as being qualified to hold a safety sensitive position. (NOTE: The two year waiting period coincides with the two year background check routinely done regarding previous employers' drug and alcohol records of that individual.) If re-employment occurs, the new employee will be placed in a follow up drug and alcohol testing program in addition to the random pool, post-accident or reasonable suspicion they would be involved in and they would also be required to follow any other SAP recommendations. The employee will be subject to termination upon any other failed drug or alcohol test from the time of re-employment.

3.212 NOTE: Because it is possible that some analytes may deteriorate during storage, the results of a retest are to be reported as confirmation of the original test results if the detected level of the drug is, a) below the DOT established limits and, b) equal to or greater than the sensitivity of the test.

### 3.3 Random Testing

3.31 All employees working in a position covered by this policy are subject to unannounced testing based on random selection. This includes temporary employees performing work in a covered position. Independent contractors are not covered by this policy. The independent contractors would be required to provide certification their company has a drug testing policy in place.

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- 3.32 The City will test 50% of the number of covered employees every twelve months for drugs. The selections should be made at unannounced intervals and reasonably spread throughout the calendar year. A person may be randomly selected more than once or not picked at all during the annual period. Random tests will not be performed at the convenience of the employee, the employer, or collection site; rather tests will be scheduled with the intent to maintain the integrity of the random testing process.
- 3.33 For random alcohol testing, the City will test 10% of the covered employees every twelve months under the same guidelines. Random alcohol tests will be performed just prior to, while operating or following operation of a transit vehicle.
- 3.34 To assure that the selection process is random, all employees covered by this policy will be placed in a common pool. A computer-based scientifically valid random number selection process, approved by the D.O.T., will select employees based on social security numbers.
- 3.35 Whenever a safety sensitive employee is randomly selected to be tested, he/she will be confidentially notified of this in writing and instructed to report to the collection site within 2 hours of notification.
- 3.36 A safety sensitive employee who tests positive or who refuses to submit to a test is medically unqualified to drive and/or perform any other safety-sensitive function.
- 3.37 In addition to the penalties imposed by DOT (discussed in section 6.13, 6.23 and 6.24 of this Policy), a safety sensitive employee who refuses to submit to a random test, who fails to report for the test as directed, or who tests positive, will be subject to disciplinary action, up to and including termination.

3.4 Post-Accident Testing

- 3.41 All safety-sensitive employees will be required to undergo urine and breath testing if they are involved in an accident with a City transit vehicle (regardless of whether or not the vehicle is in revenue service) that results in a fatality. This includes all surviving safety-sensitive employees that are on duty in the vehicles and any others whose performance could have contributed to the accident (e.g. maintenance personnel, dispatcher).

In addition, a post-accident test will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage that requires towing from the site, unless the employee can be completely discounted as a contributing factor.

The above will apply in any non-collision incident.

- 3.42 The following apply:

1. The safety sensitive employee who is involved in an accident should notify his/her immediate supervisor. The supervisor is required to complete a FTA Post Accident Documentation Form.

A safety sensitive employee who is required to take a post-accident drug test will be considered by the City as unqualified to work and relieved from duty pending the results of his/her test. A safety sensitive employee may request vacation or personal holiday and at the expiration of vacation, request leave without pay for the time the employee is relieved from duty. A safety sensitive employee whose test results are negative, will be reimbursed for the time. A safety sensitive employee whose test results are positive will not be reimbursed for the time. If the employee is injured, the employee will be placed on injury leave. In accordance with State Worker's Compensation laws, employees who are injured and have a positive drug test or an alcohol test are not entitled to injury leave or other worker's compensation benefits.

In addition to the penalties imposed by DOT (discussed in section 5.14, 6.3 and 6.4 of this Policy), a safety sensitive employee who tests positive for drugs and/or alcohol, who refuses or fails to submit to a post-accident drug and alcohol test as required, who unnecessarily delays reporting to

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the test site following an accident, or who otherwise fails to comply with the City's post-accident testing procedures, will be subject to disciplinary action, up to and including termination.

A safety sensitive employee who is required to take a post-accident drug test, is to be tested no later than 32 hours after a reportable accident.

2. A safety sensitive employee who is seriously injured and cannot provide a specimen at the time of the accident shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in his/her system. This includes obtaining results of tests administered by State or local law enforcement officials. (CFR 391.113)
3. City shall provide safety sensitive employees with necessary information and procedures so that the safety sensitive employee will be able to meet the requirement in this section.

3.43 Disqualification:

1. Disqualification for refusal. Except for a driver who meets the conditions of 391.113(b), paragraph 3.(2), a driver shall be disqualified by issuance of a letter of disqualification by the State of Nebraska for a period of one year following a refusal to give a urine sample when the safety sensitive employee has been involved in a fatal accident.
2. Disqualification for use of controlled substances. A driver shall be disqualified by issuance of a letter of disqualification by the State of Nebraska for a period of 1 year for a positive test of controlled substance use when the safety sensitive employee has been involved in a fatal accident.
3. In addition to the above requirements of disqualification, any employee refusing to submit to a urine sample shall be cause for discipline up to and including immediate dismissal.



3.5 Reasonable Suspicion Testing

- 3.51 When there is reasonable suspicion to believe that an employee covered by this policy has used a prohibited drug and/or alcohol, the employee will be required to submit to a drug and/or alcohol test.
- 3.52 At least one supervisor of the employee must substantiate and document the decision to test for reasonable cause/suspicion. The supervisor(s) should be EAP trained for a minimum of 60 minutes each in drug and alcohol abuse signs and symptoms.
- 3.53 Reasonable suspicion must be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior or speech of the employee which are characteristic of prohibited drug use and such observations must be made by at least one supervisor trained in detecting the signs and symptoms of prohibited drug use.
- Failure on the part of the supervisor(s) to accurately document the specified behavior for reasonable suspicion will be subject to disciplinary action up to and including termination.
- 3.54 Whenever a safety sensitive employee is notified that there is reasonable suspicion to be tested, the safety sensitive employee will be expected to report to the test site immediately to be tested.
- 3.55 Safety sensitive employees who are required to submit to a reasonable suspicion test will be escorted by an agent of the City to the appropriate specimen collection site for a drug and alcohol test.
- 3.56 The City will also attempt to contact the safety sensitive employee's spouse, another member of the family, or another person designated by the safety sensitive employee, in order to make arrangements for transporting the safety sensitive employee to his/her home after the test is completed. In the event that the City is unable to contact the safety sensitive employee's spouse, family member or another designated person, the City will make arrangements for transporting the safety sensitive employee home.

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- 3.57 If the safety sensitive employee rejects the City's efforts in this regard and instead insists on driving his/her personal vehicle, the City reserves the right to take whatever means are appropriate to prevent this, including contacting appropriate law enforcement personnel and imposing disciplinary action, up to and including termination.
- 3.58 A safety sensitive employee who is required to take a reasonable suspicion drug test will be considered by the City as unqualified to work and relieved from duty pending the results of his/her drug test. A safety sensitive employee may request vacation or personal holiday and at the expiration of vacation, request leave without pay for the time the employee is relieved from duty. A safety sensitive employee whose test results are negative will be reimbursed for the time. A safety sensitive employee whose test results are positive will not be reimbursed for the time. The employee is not eligible to use sick leave while he/she is relieved from duty, awaiting test results.
- 3.59 In addition to the penalties imposed by DOT (discussed in section 5.14, 6.3 and 6.4 of this Policy), a safety sensitive employee whose reasonable suspicion test is positive, or who fails or refuses to submit to a reasonable suspicion test when directed to do so by the City, will be subject to disciplinary action, up to and including termination.

3.6 Return To Duty Testing

- 3.61 Before a return-to-duty test is performed, the employee must be evaluated by a SAP to determine whether the safety sensitive employee has followed the recommendations for action by the SAP, including participation in any rehabilitation program.
- 3.62 The safety sensitive employee must have a verified negative drug test result or an alcohol test result of less than 0.02 to return to a safety-sensitive function. If a drug test result is cancelled, the City shall require the employee to submit to and pass another drug test.
- 3.63 An employee who fails a return to duty test will be subject to termination.

**3.7 Follow-up Testing**

- 3.71 Once allowed to return-to-duty, the safety sensitive employee shall be subject to unannounced follow-up testing for at least 12 but not more than 60 months. The frequency and duration of the follow-up testing will be recommended by the SAP as long as a minimum of six tests are performed during the first 12 months after the employee has returned to duty.
- 3.72 Follow-up testing is separate from and in addition to the regulated random testing program. Employees subject to follow-up testing will remain in the random pool and will be tested whenever their names come up for random testing, even if that means duplicate tests may be performed the same week, month, etc.
- 3.73 An employee who fails a follow up drug test is subject to termination.

**4. Drug Testing Procedures**

- 4.1 Drug testing will be performed utilizing split urine sample collections.
- 4.2 Under the DOT guidelines urine samples will be tested for marijuana, cocaine, opiates, amphetamines and PCP. The levels are as follows:

|              | Initial    | Confirmation | Split Sample Retest     |
|--------------|------------|--------------|-------------------------|
| Marijuana    | 50 ng/ml   | 15 ng/ml     | Any detectible presence |
| Cocaine      | 300 ng/ml  | 150 ng/ml    | Any detectible presence |
| Opiates      | 2000 ng/ml | 2000 ng/ml   | Any detectible presence |
| PCP          | 25 ng/ml   | 25 ng/ml     | Any detectible presence |
| Amphetamines | 1000 ng/ml | 500 ng/ml    | Any detectible presence |

NOTE: For Opiates, laboratories test for 6-monocetylmorphine (MAM) in all specimens with a morphine concentration equal to or greater than 2000 ng/mL.

In the event the DOT expands the list of drugs for which testing is or may be required, the City reserves the right to begin testing immediately for those drugs without prior notice to safety sensitive employees or applicants unless notice is required by DOT or other applicable law.

- 4.3 A picture I.D. is required to be shown at the time of collection. Upon notification that a drug test is required, an employee will report at the designated time to the collection site.
- 4.4 The collection agency shall adhere to all requirements outlined in 49 CFR Part 40, as listed in section 5 below.

## **5. Specimen Collection Procedures**

- 5.1 The collection site will provide:
- An enclosure for urinating in private.
  - A toilet or receptacle large enough to contain a complete void.
  - A source for washing hands.
  - A suitable surface for writing.
- 5.2 A Substance Abuse Mental Health Services Administration (SAMHSA) drug testing custody and control form will be used for collection and a split sample kit.
- 5.3 The collection site will be secure to prevent unauthorized access during the collection process.
- 5.4 The specimen will be kept in sight of the donor and collection site person until sealed and ready for shipment.
- 5.5 Employees are required to have individual privacy when providing a specimen except when:
1. The employee presents a specimen that is outside the accepted temperature range and he/she refuses to have an oral body temperature measurement, or the body temperature measurement varies more than one degree celsius from the specimen temperature.
  2. The collector observes the employee attempting to adulterate or substitute the specimen or detects an obvious smell, color, or any obvious form of adulteration.
  3. The employee's last provided specimen was determined to be diluted and the City requests an observation. In all cases, one previous dilute will trigger that the employee's supervisor accompany the employee to the testing site for all future tests. The supervisor is to make sure the employee does not drink large amounts of liquids before the drug collection.
  4. The employee previously had a verified positive.

5.6 These protocols determine the above:

1. **Dilute Specimen:** A specimen that has a creatinine reading less than 20 mg/dL but greater than 5 mg/dL, and a specific gravity less than 1.003 but greater than 1.001.
2. **Substituted Specimen:** A specimen that has a creatinine of less than or equal to 5 mg/dL and a specific gravity less than or equal to 1.001 or greater than or equal to 1.020. (Such specimens do not exhibit the clinical signs or characteristics associated with normal urine.)
3. **Adulterated Specimen:** A specimen is:
  - adulterated* if the nitrite concentration is equal to or greater than 500 mcg/mL;
  - adulterated* if the pH is less than or equal to 3, or greater than or equal to 11;
  - adulterated* if a foreign substance is present, or if an endogenous substance (one that is normally found in urine) is present at a concentration greater than the normal physiological concentration.

The guidance documents also require that if a specimen is reported as adulterated and the presence of a drug or drug metabolite is confirmed, the laboratory will not report the presence of the drug. They will report only that the specimen is adulterated.

5.7 In each of the above exceptions for individual privacy as noted in 5.5 and 5.6, the employee must provide a specimen under direct observation by a person of the same gender.

5.8 Specific procedures will be followed during collection of the specimen, including:

1. Positive ID of the donor.
2. Removal of outer garments only (coat jackets) - employees will not be required to undress or wear a hospital or other examination gown.

3. Wash hands prior to collection of specimen.
4. Water sources in the collection site enclosure must be secured.
5. Bluing agent must be added to the toilet tank and bowl.
6. The donor is provided a sealed split sample specimen collection container.
7. Collector remains outside the enclosure.
8. Donor may flush toilet only after releasing specimen to collector.
9. The specimen should contain at least 45ml of urine.

5.9 Upon receiving the specimen from the individual, the collection site person shall determine if it contains at least 45 milliliters of urine to be split in two containers, one with 30ml and one with 15ml. If the individual is unable to provide 45 milliliters of urine, the collection site person shall direct the individual to drink not more than 40 ounces of fluids for up to three hours and again attempt to provide a complete sample using a fresh specimen bottle (and fresh collection container, if employed). The original specimen shall be discarded. If the employee is still unable to provide a complete specimen, the following rules apply:

1. If the employee cannot provide a complete sample within the up to 3-hour period, then the employer's MRO shall refer the individual for a medical evaluation to develop pertinent information concerning whether the individual's inability to provide a specimen is genuine or constitutes a refusal to provide a specimen. Upon completion of the examination, the MRO shall report his or her conclusions to the employer in writing.

5.10 The collector must measure the temperature of the specimen within four minutes after collection, and inspect the specimen for color and unusual signs of contamination.

- 5.11 Collector and donor must complete the collection process together, including:
1. Sealing and labeling of the specimen bottle.
  2. Donor initialling the bottle label or seal.
  3. Signing and dating of a DOT custody and control form. The inadvertent use of a non-DOT Drug Test custody and control form will not invalidate the process if the Medical Review Officer determines that the form meets the chain of custody requirements.
- 5.12 Collector must prepare specimens for shipment, including signing and dating a seal on shipping container. The chain-of-custody form is sealed with the specimen bottle in a tamper evident bag when shipped to the laboratory.
- 5.13 A split specimen is obtained when urine from a single void is divided into two bottles. The first or primary specimen must contain at least 30ml of urine; the second or split specimen contains the remainder of urine up to 15ml.
- 5.14 All procedures and documentation must be carried out for the split specimen. In the event that primary specimen is verified as positive, the safety sensitive employee will be notified by the City's MRO of the positive test and given the option to have the second bottle sent to a different DHHS approved laboratory for analysis. To exercise this option, the safety sensitive employee must advise the City's MRO in writing within 72 hours of being told that the primary specimen was a confirmed positive. The employee will be required to submit a check to the appropriate City representative for the cost of the test to pay for the split retest. Pending the outcome of the additional analysis, the safety sensitive employee continued being considered physically unqualified to work by DOT.
- 5.15 The split specimen, if tested, is only tested by GC/MS to confirm the presence of the drug(s) found in the primary specimen.

Except for the use of methadone and medications containing alcohol, nothing in this policy prohibits a safety sensitive employee's use of a medication legally prescribed by a licensed physician: (i) who is familiar with the safety sensitive employee's medical history and specific safety-sensitive duties, and (ii) who has advised the safety sensitive employee that the prescribed medication will not adversely affect the safety sensitive employee's ability to operate a motor vehicle safely. Medications prescribed for someone other than the safety sensitive employee,



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however, will not be considered lawfully used when taken by the safety sensitive employee under any circumstances.

Before being tested for drugs, safety sensitive employees may list on their copy of the chain-of-custody form, any prescription and non-prescription medications being lawfully used by that safety sensitive employee at that time. This list will remind the safety sensitive employee of any medications being taken at the time of the collection, in the event of an MRO interview. A "positive" drug test may be declared "negative" by the City's MRO, if the safety sensitive employee can provide the MRO with clear and convincing evidence that the drug that was used was prescribed by a licensed physician who is familiar with the safety sensitive employee's medical history and specific duties. The determination of this will be made by the City's MRO.

Split specimens will be tested for adulterants any time the split specimen test is unable to reconfirm the positive result from the primary specimen's analysis. If an adulterant is found in the split specimen, the primary specimen must also be tested for adulterants. If adulterants are found in either specimen, the information must be documented on the Federal Custody and Control Form and reported as a "Refusal to Test" to the employer. If no adulterant is found in the split, and the second laboratory is unable to reconfirm the presence of the drug/metabolite in the split specimen, both the primary and the split tests must be canceled.

- 5.16 Any action concerning the employee must be taken based upon the results of the first sample.
- 5.17 If the split sample is clearly negative for the five drugs being tested, the employee will be reimbursed for the cost of the tests.

**6. Alcohol Testing Procedures**

- 6.1 In the event that the safety sensitive employee provides an adequate breath specimen and the initial test registers an alcohol concentration level that is less than 0.02, the test result will be reported as a "negative" and no additional test will be required at that time.
- 6.2 In the event that the safety sensitive employee provides an adequate breath specimen and the initial test registers an alcohol concentration level of 0.02 or greater, a second, confirmatory test will be performed. In the event that the safety sensitive employee provides an adequate breath specimen and the confirmatory test registers less than 0.02, the test result will be reported to the City as "negative."
- 6.3 DOT prohibits any safety sensitive employee whose confirmatory test registers 0.02 or more but less than 0.04 from performing or from continuing to perform any safety-sensitive function until the safety sensitive employee's next regularly-scheduled duty period, but for no less than 8 hours. A safety sensitive employee who, after providing an adequate breath specimen, has a confirmatory test that registers 0.02 or more but less than 0.04 will, at a minimum be relieved of duty without pay until his/her next regularly-scheduled duty period, but for no less than 24 hours, and may be subject to additional disciplinary action by the City, up to and including termination.
- 6.4 A safety sensitive employee who, after providing an adequate breath specimen, has a confirmatory test that registers 0.04 or greater will, at a minimum be relieved of duty without pay until his/her next regularly-scheduled duty period, but for no less than 8 hours, and may be subject to additional disciplinary action by the City up to and including termination. The City must refer the employee to an SAP for evaluation if the employee is expected to return to duty.
- 6.5 A safety sensitive employee who fails a return to duty or follow up alcohol test is subject to termination.

6.6 Incomplete Alcohol Tests

- 6.61 If a screening or confirmatory test cannot be completed, the BAT must, if practicable, begin a new test using a new alcohol testing form with a new sequential test number.
- 6.62 Refusal by an employee to complete and sign the alcohol testing form, to provide breath, or otherwise to cooperate with the collection process must be noted on the form and the test will be terminated.
- 6.63 If an employee attempts and fails to provide an adequate amount of breath, the BAT must note this on the form and immediately inform the employer. The employer shall direct the employee to obtain, from a licensed physician who is acceptable to the employer, an evaluation concerning the employee's medical ability to provide an adequate amount of breath. The evaluation should be made as soon as practical after the attempted breath test. If the physician indicates that there was a valid medical reason for the inadequate amount of breath, the employee's failure to provide an adequate amount of breath will not be considered a refusal. If no valid medical reason is determined, the inadequate amount of breath must be considered a refusal to take the test.

6.7 Alcohol-Related Conduct

- 6.71 Prohibited employee conduct includes:

Using alcohol while performing safety-sensitive functions

Using alcohol within 4 hours prior to performing safety-sensitive functions

Performing a safety-sensitive function with an alcohol concentration of 0.02 or greater

Using alcohol within 8 hours following an accident which requires the employee to take an alcohol test, unless the employee has already taken a post-accident alcohol test.

**7. Medical Review Officer (MRO)**

7.1 The MRO for the **City** is a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

7.2 According to the DOT regulations the following is a list of the MRO's specific responsibilities:

Receive negative and positive confirmed results from the laboratory.

Request, if needed, a quantitative description of test results.

Receive a certified copy of the original chain of custody.

Review and interpret positive test results.

Inform the tested individual and provide test results.

Conduct a medical interview with the tested individual.

Review the individual's medical history, or any other relevant biomedical factors.

Give the individual an opportunity to discuss test results, to determine if there is a legitimate medical reason for a confirmed positive test result.

If necessary, order a re-analysis of the original sample in a certified laboratory.

Consult with others if questions of accuracy arise consistent with Part 12, Confidentiality.

Consult with laboratory officials.

Reject urinalysis results that do not comply with the mandatory guidelines.

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Report presence of an adulterant in a primary specimen immediately to the employer, not the employee. The identification of an adulterant in the primary specimen constitutes a test refusal.

Declare as positive an opiate-positive urine, only with clinical evidence.

Determine whether a result is scientifically sufficient, if not, the test is concluded as a negative for that employee.

Determine whether a result is consistent with legal drug use.

Forward results of verified positive tests to the **City**

If there is no legitimate medical reason for a confirmed positive test, the MRO refers the employee to **the program administrator** for action in accordance with this program.

The employee is permitted to submit a written request to the Program Administrator for a test of the split sample within 72 hours of receipt of the final test results from the MRO. The expense for this test is solely the responsibility of the employee, unless the test is negative. At that time, the **City** will reimburse the employee for their expenses incurred in this test.

Advise the **City** of any employee taking a drug or medication, whether or not prescribed by a physician, which may adversely affect the employee's ability to perform work in a safe or productive manner. The employee's department head after considering medical recommendations then will determine whether the employee can remain at work and whether any work restrictions will be necessary.

Normal leave policies will apply.

- 7.3 If the MRO is unable to contact the employee to confirm a positive test result, the MRO will take the following steps.

If after making all reasonable efforts and documenting them, the MRO is unable to reach the individual directly, the MRO shall contact either the plan administrator (designated management official and/or designee of the **City**) who shall direct the individual to contact the MRO as soon as possible. If it becomes necessary to reach the individual through the designated management official, the designated

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management official shall employ procedures that ensure, to the maximum extent practicable, the requirement that the employee contact the MRO is held in confidence.

If, after making all reasonable efforts, the designated management official is unable to contact the employee, the **City** may place the employee on leave without pay.

The MRO may communicate a verification to the Plan Administrator of a test as positive without having communicated directly with the employee about the test, in four circumstances:

The employee expressly declines the opportunity to discuss the test;

The designated employer representative has successfully made and documented a contact with the employee and instructed the employee to contact the MRO and more than five calendar days have passed since the date the employee was successfully contacted by the employer representative;

If neither the MRO or employer, after making all reasonable efforts, has been unable to contact the employee within 14 days after the MRO receives the laboratory result; or

Other circumstances provided for in DOT agency drug testing regulations.

- 7.4 If a test is verified positive under the circumstances specified above, the employee may present to the MRO information documenting that serious illness, injury, or other circumstances unavoidable, prevented the employee from timely contacting the MRO. The MRO, on the basis of such information, may reopen the verification, allowing the employee to present information concerning a legitimate medical explanation for the confirmed positive test result. If the MRO concludes that there is a legitimate medical explanation, the MRO declares the test to be negative.

**8. Testing Laboratory**

- 8.1 The **City** uses a SAMHSA certified laboratory.

The testing laboratory will comply with all methods and procedures of 49 CFR Part 40 and will provide quarterly summaries, and annual reports to the **City** showing compliance.

The laboratory retains all confirmed positive samples in secured frozen storage for one year. If requested, they will retain the sample for an additional reasonable period.

**9. Specimen Collection Agencies**

Sites are arranged for the collection of specimens which are located in various locations, as needed by the **City**, see appendix.

**10. Quality Assurance/Quality Control**

Quality Assurance/Quality Control will be handled by the drug and alcohol program contractor.

Three quality control specimens are submitted for every 100 specimens sent for analysis. These specimens are to be sent to the laboratory in such a way that the laboratory does not know they are quality control specimens rather than actual employee specimens. The specimens can be either blanks containing no drugs or spiked with a known quantity of specific drugs.

**11. Quality Assurance Monitoring Plan**

A. Third Party Administrator:

The City of Lincoln will perform a site visit to third party administrator once every two years, to monitor compliance with the drug & alcohol program requirements.

B. Contractor's:

The City of Lincoln will maintain a copy of all contractor's drug & alcohol program policy. Annually will meet with all contractors to monitor compliance with the drug & alcohol program requirements.

## **12. Information on Drugs and Alcohol**

### **12.1 Employee Education**

Every employee covered by this policy will receive ~~the~~ drug education:

- 12.11 The City will provide drug and alcohol educational materials for all safety sensitive employees, explaining the DOT's requirements and the City's policies and procedures to meet those requirements. In addition to this policy, the City will provide safety sensitive employees with information concerning: (i) the effects of drugs and alcohol on an individual's health, work, and personal life; (ii) the signs and symptoms of a drug or alcohol problem; and (iii) the available methods of intervention when a problem does exist.
- 12.12 Referral assistance is provided through Lincoln Employee Assistance Program, 476-0186.
- 12.13 A copy of this policy will be given to each employee to read and understand. The employee is given the opportunity to ask questions related to this policy and once they understand, will sign off certifying that they do understand. This sign-off sheet will be kept on file by the plan administrator, and updated annually with the performance appraisal.
- 12.14 Applicants are required to execute a certification regarding requirements of the City Drug Testing program as a condition of being hired. An applicant who refuses to do so will not be hired.
- 12.15 A copy of this policy will be displayed in the work area.

### **12.2 Supervisory Training**

- 12.21 Every supervisor covered by this policy who will determine whether an employee must be drug or alcohol tested based on reasonable cause/suspicion will receive the following drug and alcohol use training:



- 12.22 Because the supervisor's performance is critical to the success of the substance abuse management program, a minimum of 60 minutes each about the alcohol testing program and the drug testing program will be conducted. Information will be provided about the specific physical, behavioral, and performance indicators of drug and alcohol abuse in the workplace, policy guidelines and utilization of the Employee Assistance Program in conjunction with the testing program.

**12.3 Employee Assistance Program**

- 12.31 A safety sensitive employee who refuses or fails a drug or alcohol test may be referred to a Substance Abuse Professional (SAP) at the Lincoln Employee Assistance Program.
- 12.32 Rehabilitation assistance will be provided in accordance with the appropriate Employee Assistance Program Policy.
- 12.33 If an employee fails to follow the guidelines set in this drug and alcohol testing policy, then disciplinary action may be taken up to and including dismissal.
- 12.34 The City can request an evaluation from a SAP for applicants who have previously failed a drug/alcohol test. The finding of the evaluation from the SAP will determine whether an individual can be qualified to hold a safety sensitive position.

### **13. Recordkeeping**

The **City** will keep the following records for the periods specified. The person responsible for maintaining the records kept within the **City** will be maintained by the Program Administrator.

- 13.1 Records that demonstrate the collection process conforms to 49 CFR will be kept for two years.
- 13.2 Records of employee drug and alcohol test results that show employees who failed or refused a drug and/or alcohol test, and the type of test failed, if any, will be kept for a minimum of 5 years, and include the following information:
  - 1. The functions performed by each employee who fails the drug test.
  - 2. The prohibited drugs which were used by each employee who fails the drug test.
  - 3. The disposition of each employee who fails the drug test (e.g. termination, rehabilitation, leave without pay, etc.).
  - 4. Documentation that supports the MRO's determinations.
  - 5. Records that demonstrate rehabilitation will also include the MRO's determination.
- 13.3 Records of employee drug and alcohol test results that show employees passed the test will be kept for a minimum of one year.
- 13.4 A record of the number of employees tested by type of test will be kept for a minimum of 5 years.
- 13.5 Records confirming that supervisors and employees have been trained as required by this policy will be kept for a minimum of 3 years. Training records will include copies of all training materials. These records will be maintained by the **City** Program Administrator.
- 13.6 Calibration documentation of evidentiary breath testing devices will be kept for a minimum of 5 years at Quest Diagnostics.

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- 13.7 SAP evaluations and referrals of employees for drug abuse and/or alcohol misuse will be kept for a minimum of 5 years at Lincoln Employee Assistance Program.
- 13.8 Employee compliance with recommendations of the SAP for drug use and/or alcohol misuse, including results of return to duty and follow-up testing will be kept for 5 years.
- 13.9 MIS Reports will be kept for 5 years.

**14. Confidentiality**

- 14.1 Each individual's record of testing and results under this policy will be maintained private and confidential. With the exception of the testing laboratory, MRO, program administrator or upon request of State agency officials as part of an accident investigation, for statistical information, or for training records, the results of individual drug tests will not be released to anyone without the expressed written authorization of the individual tested or as is otherwise required by DOT regulations or by other applicable federal or state law. Prior to testing, the individual will be informed about who will receive test data (e.g. testing laboratory, MRO, personnel manager, program administrator, department supervisor).
- 14.2 All written records will be stored in locked containers or in a secure location with access available only by the individuals listed above.
- 14.3 Unless an employee gives his or her written consent, the employee's drug testing and/or rehabilitation records will not be released to a subsequent employer.

## **15. Internal Procedures for Drug Testing**

### **15.1 StarTran Procedures**

- 15.11 All drug and alcohol testing and training will be paid City time.
- 15.12 Notices identifying who will be tested will be sent to the Bus Operations Superintendent or the Bus Maintenance Superintendent. In their absence, the notices will be sent to the Assistant Director.
- 15.13 The status of a driver who has been sent to testing will be listed on the extra board as "other", or "excused".
- 15.14 All supervisors will maintain confidential drug testing information in a locked drawer limited to their own access, which is locked at all times.

### **15.2 Pre-Employment Drug Tests**

- 15.21 Personnel will provide the necessary forms to the hiring supervisor to complete the drug testing process with the certificate of eligibles.
- 15.22 The supervisor will arrange an appointment with the collection site for the applicant and inform Personnel.
- 15.23 The supervisor will provide to the applicant a form to give to the collection site and an information sheet describing testing procedures.
- 15.24 Personnel will notify the hiring supervisor regarding the test results.
- 15.25 The hiring supervisor will notify the applicant of the test results. If the test is *negative*, the applicant will be advised when and where to start work.

If the test is *positive*, the employment offer will be withdrawn.

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- 15.26 Supervisors are required to check the applicants past drug testing results for all previous jobs in the last 2 years requiring a Commercial Driver's License. Contact Personnel to coordinate this investigation.
- 15.27 Personnel will notify the hiring supervisor regarding the results of this inquiry and advise if the individual is eligible for employment.

NOTE: Pre-employment alcohol tests are not required under federal regulations.

15.3 Random Drug Test

- 15.31 Personnel will officially notify the employee's supervisor of the drug test result.
- 15.32 Following a positive drug test result, the supervisor should confidentially contact the employee and assign work not involving a safety sensitive function until his/her pre-disciplinary meeting. If the employee notifies the supervisor before Personnel calls, accept the information and assign the employee to work not requiring a safety sensitive function and call the current Drug Test Administrator or appointed authority.
- 15.33 A pre-disciplinary meeting will be arranged as soon as possible with the department head. The employee should be advised by the supervisor the purpose of the meeting and that he/she is entitled to have union representation present.
- 15.34 The employee will report to the meeting with the department head, where he/she will receive at least a one day suspension without pay.
- 15.35 The employee will be advised of the requirement to:
  - 1. go to the Employee Assistance Program for evaluation and to set up a rehabilitation/treatment plan (the employee will be required to sign an acknowledgment of this plan),

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2. take and pass a "return to duty" drug test at the employee's expense. NOTE: a positive test result will be cause for termination with the City.
  3. be subject to follow-up testing. NOTE: a positive test result will be cause for termination with the City.
  4. The employee will be required to sign EAP release forms.
- 15.36 Personnel is responsible for making the appointment with EAP and the department head.
- 15.37 Personnel will be responsible for initiating the suspension paperwork.
- 15.38 Personnel will contact the employee and the supervisor when the employee has passed the return to duty test, to set the date the employee can return to work.
- 15.39 The employee will give the current Drug Test Administrator or appointed authority a check for the cost of the test made payable to the third party administrator to cover the expense of the return to duty test.
- 15.310 Leave Policy: At the conclusion of the suspension the employee will request vacation and personal holiday, and at the expiration of his/her vacation, request leave without pay until such time that he/she is released to return to work following a negative drug/alcohol test. Should he/she be required to undergo inpatient substance abuse treatment, he/she will be allowed to utilize accrued sick leave until the completion of inpatient treatment.
- 15.311 Release forms: The employee will be required to sign release of information forms by the Lincoln Employee Assistance Program to specified individuals with the City of Lincoln and third party administrator.
- 15.312 Questions, call the current Drug Test Administrator or appointed authority.

15.4 RETURN TO DUTY

- 15.41 When the employee is ready to take the return to duty drug test the individual will call the current Drug Test Administrator or appointed authority to arrange the appointment with the collection service.
- 15.42 Personnel will talk to the Substance Abuse Professional to verify that the individual is in compliance with the policy.
- 15.43 The employee will write a check payable to Western Pathology in the amount of the cost of the test and take it to the current Drug Test Administrator or appointed authority.
- 15.44 Personnel will give the employee an appointment form to take to the collection site.
- 15.45 Personnel will call the supervisor after notification of the passed test and determine when and where the employee should report to work.
- 15.46 Personnel will call the employee and advise him/her of the passed test results and advise when and where to return to work.
- 15.47 Personnel will officially notify the employee's supervisor and the employee of a failed drug test.
- 15.48 A pre-disciplinary meeting will be arranged as soon as possible with the department head to discuss disciplinary action up to and including termination of the individual from City employment. The employee should be advised by the supervisor the purpose of the meeting and that he/she is entitled to have union representation present.
- 15.49 The employee will report to the meeting with the department head, where he/she will discuss possible termination from his/her City position.
- 15.410 The employee will be advised about resources to treat substance abuse.



15.411 If terminated, Personnel will be responsible for initiating the termination paperwork.

15.412 Questions, call the current Drug Test Administrator or appointed authority.

15.5 Follow-up Drug Test

15.51 Personnel will officially notify the employee's supervisor of the drug test result.

15.52 Following a positive drug test result, the supervisor should confidentially contact the employee and assign work not involving a safety sensitive function until his/her pre-disciplinary meeting. If the employee notifies the supervisor before Personnel calls, accept the information and assign the employee to work not requiring a safety sensitive function and call the current Drug Test Administrator or appointed authority.

15.53 A pre-disciplinary meeting will be arranged as soon as possible with the department head to discuss disciplinary action up to and including termination of the individual from City employment. The employee should be advised by the supervisor the purpose of the meeting and that he/she is entitled to have union representation present.

15.54 The employee will report to the meeting with the department head, where he/she will discuss possible termination from his/her City position.

15.55 The employee will be advised about resources to treat substance abuse.

15.56 If terminated, Personnel will be responsible for initiating the termination paperwork.

15.57 Questions, call the current Drug Test Administrator or appointed authority.

15.6 Reasonable Suspicion

- 15.61 If an employee demonstrates the signs and symptoms of drug use to at least one trained supervisor, the supervisor will document the behavior on a Reasonable Suspicion Observation Checklist (see Appendix VIII) and accompany the employee to the sample collection site and wait.
- 15.62 Following the test, the supervisor should drive the employee home or contact a family member to take the employee home.
- 15.63 A safety sensitive employee who is required to take a reasonable suspicion drug test will be considered by the City as unqualified to work and relieved from duty pending the results of his/her drug test.
- 15.64 A safety sensitive employee may request vacation or personal holiday and at the expiration of vacation, request leave without pay for the time the employee is relieved from duty. A safety sensitive employee whose test results are negative will be reimbursed for the time. A safety sensitive employee whose test results are positive will not be reimbursed for the time.
- 15.65 The employee is not eligible to use sick leave while he/she is relieved from duty, awaiting test results.
- 15.66 Personnel will officially notify the employee's supervisor of the drug test results.
- 15.67 Following a positive drug test result, a pre-disciplinary meeting will be arranged as soon as possible with the department head. The employee, who is off duty at home, should be advised by Personnel the purpose of the meeting and that he/she is entitled to have union representation present.
- 15.68 The employee will report to the meeting with the department head, where he/she will receive at least a one day suspension without pay.

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- 15.69 The employee will be advised of the requirement to:
1. go to the Employee Assistance Program for evaluation and to set up a rehabilitation/treatment plan (the employee will be required to sign an acknowledgement of this plan),
  2. take and pass a return to duty drug test at the employee's expense, NOTE: a positive test result will be cause for termination with the City.
  3. be subject to follow-up testing. NOTE: a positive test result will be cause for termination with the City.
  4. The employee will be required to sign EAP release forms.
- 15.610 Personnel is responsible for making the appointment with EAP and the department head.
- 15.611 Personnel will be responsible for initiating the suspension paperwork.
- 15.612 Personnel will contact the employee and the supervisor when the employee has passed the return to duty test, to set the date the employee can return to work.
- 15.613 The employee will give the current Drug Test Administrator or appointed authority a check for the cost of the test made payable to the third party administrator to cover the expense of the return to duty test.
- 15.614 Leave Policy: At the conclusion of the suspension the employee will request vacation and/or personal holiday, and at the expiration of his/her vacation, request leave without pay until such time that he/she is released to return to work following a negative drug/alcohol test. Should he/she be required to undergo inpatient substance abuse treatment, he/she will be allowed to utilize accrued sick leave until the completion of inpatient treatment.

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- 15.615 Release forms: The employee will be required to sign release of information forms by the Lincoln Employee Assistance Program to specified individuals with the City of Lincoln and third party administrator.
- 15.616 Questions, call the current Drug Test Administrator or appointed authority.

15.7 Post-Accident Drug Testing

- 15.71 All safety-sensitive employees will be required to undergo urine and breath testing if they are involved in an accident with a City transit vehicle (regardless of whether or not the vehicle is in revenue service) that results in a fatality. This includes all surviving safety-sensitive employees that are on duty in the vehicles and any other whose performance could have contributed to the accident.

In addition, a post-accident test will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage that requires towing from the site.

The supervisor should document the accident and accompany the employee to the sample collection site as soon as possible, but no later than 32 hours after a reportable accident, and wait until the test(s) are completed. If this time line is not met, the supervisor must prepare and maintain a record stating the reasons the test was not properly administered and forward it to Personnel.

- 15.72 Following the test, the supervisor should drive the employee home from the test site or work site, or contact a family member to take the employee home.
- 15.73 A safety sensitive employee who is required to take a post-accident drug test will be considered by the City as unqualified to work and relieved from duty pending the results of his/her test.

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- 15.74 A safety sensitive employee may request vacation or personal holiday and at the expiration of vacation, request leave without pay for the time the employee is relieved from duty. A safety sensitive employee whose test results are negative, will be reimbursed for the time. A safety sensitive employee whose test results are positive will not be reimbursed for the time.
- 15.75 If the employee is injured, the employee will be placed on injury leave. In accordance with State Worker's Compensation laws, employees who are injured and have a positive drug test are not entitled to injury leave or other worker's compensation benefits.
- 15.76 Personnel will officially notify the employee's supervisor of the drug test results.
- 15.77 Following a positive drug result, a pre-disciplinary meeting will be arranged as soon as possible with the department head. The employee, who is off duty at home, should be advised by Personnel the purpose of the meeting and that he/she is entitled to have union representation present.
- 15.78 The employee will report to the meeting with the department head, where he/she will receive at least a one day suspension without pay.
- 15.79 The employee will be advised of the requirement to:
1. go to the Employee Assistance Program for evaluation and to set up a rehabilitation/treatment plan (the employee will be required to sign an acknowledgement of this plan),
  2. take and pass a return to duty drug test at the employee's expense, NOTE: a positive test result will be cause for termination with the City.
  3. be subject to follow-up testing. NOTE: a positive test result will be cause for termination with the City.
  4. The employee will be required to sign EAP release forms.

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- 15.710 Personnel is responsible for making the appointment with EAP and the department head.
- 15.711 Personnel will be responsible for initiating the suspension paperwork.
- 15.712 Personnel will contact the employee and the supervisor when the employee has passed the return to duty test, to set the date the employee can return to work.
- 15.713 The employee will give the current Drug Test Administrator or appointed authority a check for the cost of the test made payable to the third party administrator to cover the expense of the return to duty test.
- 15.714 Leave Policy: At the conclusion of the suspension the employee will request vacation and/or personal holiday, and at the expiration of his/her vacation, request leave without pay until such time that he/she is released to return to work following a negative drug/alcohol test. Should he/she be required to undergo inpatient substance abuse treatment, he/she will be allowed to utilize accrued sick leave until the completion of inpatient treatment.
- 15.715 Release forms: The employee will be required to sign release of information forms by the Lincoln Employee Assistance Program to specified individuals with the City of Lincoln and third party administrator.
- 15.716 Questions, call the current Drug Test Administrator or appointed authority.

## **16. Internal Procedures for Alcohol Testing**

### **16.1 Random Alcohol Test**

- 16.11 Since the results of the Random Alcohol Test are immediate, the Breath Alcohol Technician will notify the current Alcohol Test Administrator or appointed authority, or the immediate supervisor regarding the positive test. This employee will not be allowed to return to work, and will have to be driven home.
- 16.12 If the breath alcohol level is between .02 and .04, the employee is removed from service for 24 hours to include 8 hours suspension without pay. For example, if an employee tested positive at 1:00 p.m. He/she is off the clock 3.5 hours the work day of the test, and 4.5 hours the next work day, providing before 1:00 p.m. the next day, the person has a negative breath alcohol test.
- 16.13 If the breath alcohol level was *between* .02 and .04, the employee must take and pass a return to duty alcohol test at his/her own expense. If the test is negative, the employee may return to work.
- 16.14 The employee will give the current Alcohol Test Administrator or appointed authority a check made payable to the third party administrator to cover the expense of the return to duty test.
- 16.15 If the breath alcohol level was at or above .04, the employee is removed from service for at least 24 hours to include 8 hours suspension without pay. Before the employee can return to work, the employee will ~~be~~ meet with the department head and will be advised of the requirement to:
1. go to the Employee Assistance Program for evaluation and to set up a rehabilitation/treatment plan (the employee will be required to sign an acknowledgement of this plan),
  2. take and pass a return to duty alcohol test at the employee's expense. NOTE: a positive test result will be cause for termination with the City.

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3. be subject to follow-up testing. NOTE: a positive test result will be cause for termination with the City.
  4. The employee will be required to sign EAP release forms.
- 16.16 Personnel is responsible for making the appointment with EAP and the department head.
  - 16.17 Personnel will be responsible for initiating the suspension paperwork.
  - 16.18 Personnel will contact the employee and the supervisor when the employee has passed the return to duty test, to set the date the employee can return to work.
  - 16.19 The employee will give the current Alcohol Test Administrator or appointed authority a check made payable to the third party administrator to cover the expense of the return to duty test.
  - 16.110 Leave Policy: At the conclusion of the suspension the employee will request vacation and/or personal holiday, and at the expiration of his/her vacation, request leave without pay until such time that he/she is released to return to work following a negative drug/alcohol test. Should he/she be required to undergo inpatient substance abuse treatment, he/she will be allowed to utilize accrued sick leave until the completion of inpatient treatment.
  - 16.111 Release forms: The employee will be required to sign release of information forms by the Lincoln Employee Assistance Program to specified individuals with the City of Lincoln and third party administrator.
  - 16.112 Questions, call the current Alcohol Test Administrator or appointed authority.
- 16.2 Return To Duty Testing (When Original Test Was Between .02 – .04)



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- 16.21 When the employee with a positive alcohol test **between .02 – .04** is ready to take the return to duty alcohol test, the individual will call the current Alcohol Test Administrator or appointed authority to arrange the appointment with the collection service.
- 16.22 The employee will write a check payable to the third party administrator for both a drug and alcohol test and take it to the current Alcohol Test Administrator or appointed authority.
- 16.23 Personnel will give the employee an appointment form to take to the collection site.
- 16.24 Personnel will call the *supervisor* after notification of the passed test and determine when and where the employee should report to work.
- 16.25 Personnel will call the *employee* and advise him/her because of the passed test results when and where to return to work.
- 16.26 Since the results of the Return to Duty Alcohol Test are immediate, the Breath Alcohol Technician will notify the current Alcohol Test Administrator or appointed authority, or the immediate supervisor regarding a positive test. This employee will not be allowed to return to work, and will have to be driven home.
- 16.27 A pre-disciplinary meeting will be arranged as soon as possible with the department head to discuss disciplinary actions up to and including termination of the individual from City employment. The employee should be advised by the supervisor the purpose of the meeting and that he/she is entitled to have union representation present.
- 16.28 The employee will report to the meeting with the department head, where he/she will discuss termination from his/her City position.
- 16.29 The employee will be advised about resources to treat substance abuse.

16.210 Personnel will be responsible for initiating the termination paperwork.

16.211 Questions, call the current Alcohol Test Administrator or appointed authority.

16.3 Return To Duty Testing (When Original Test Was Over .04)

16.31 When the employee with a positive alcohol test **over .04** is ready to take the return to duty alcohol test, the individual will call the current Alcohol Test Administrator or appointed authority to arrange the appointment with the collection service.

16.32 Personnel will talk to the substance abuse professional to verify that the individual is in compliance with the policy.

16.33 The employee will write a check payable to the third party administrator for the cost of both a drug and alcohol test and take it to the current Alcohol Test Administrator or appointed authority.

16.34 Personnel will give the employee an appointment form to take to the collection site.

16.35 Personnel will call the *supervisor* after notification of the passed test and determine when and where the employee should report to work.

16.36 Personnel will call the *employee* and advise him/her because of the passed test results when and where to return to work.

16.37 Since the results of the Return to Duty Alcohol Test are immediate, the Breath Alcohol Technician will notify, the current Alcohol Test Administrator or appointed authority, or the immediate supervisor regarding a positive test. This employee will not be allowed to return to work, and will have to be driven home.

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- 16.38 A pre-disciplinary meeting will be arranged as soon as possible with the department head to discuss disciplinary action up to and including termination of the individual from City employment. The employee should be advised by the supervisor the purpose of the meeting and that he/she is entitled to have union representation present.
- 16.39 The employee will report to the meeting with the department head, where he/she will discuss termination from his/her City position.
- 16.310 The employee will be advised about resources to treat substance abuse.
- 16.311 If terminated, Personnel will be responsible for initiating the termination paperwork.
- 16.312 Questions, call the current Alcohol Test Administrator or appointed authority.

16.4 Follow-up Alcohol Test

- 16.41 Since the results of the Follow-up Alcohol Test are immediate, the Breath Alcohol Technician will notify the current Alcohol Test Administrator or appointed authority, or the immediate supervisor regarding a positive test. This employee will not be allowed to return to work, and will have to be driven home.
- 16.42 A pre-disciplinary meeting will be arranged as soon as possible with the department head to discuss disciplinary action up to and including termination of the individual from City employment. The employee should be advised by the supervisor the purpose of the meeting and that he/she is entitled to have union representation present.
- 16.43 The employee will report to the meeting with the department head, where he/she will discuss termination from his/her City position.

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- 16.44 The employee will be advised about resources to treat substance abuse.
- 16.45 Personnel will be responsible for initiating the termination paperwork.
- 16.46 Questions, call the current Alcohol Test Administrator or appointed authority.

16.5 Reasonable Suspicion Testing & Post Accident Alcohol Testing

- 16.51 If an employee demonstrates the signs and symptoms to at least one trained supervisor, the supervisor will document the behavior on the Reasonable Cause Observation Checklist and accompany the employee to the breath alcohol test.

If a safety sensitive employee is in an accident as defined in 3.41, the employee will notify the immediate supervisor, who will document the accident and transport the employee(s) to the testing site.

- 16.52 If an alcohol test is not administered within two (2) hours following the accident, the supervisor must prepare and maintain a record on a Post Accident Documentation Form stating the reasons the test was not promptly administered and forward to Personnel.

If the alcohol test has not taken place within eight (8) hours following the accident, there shall be no further attempt to administer the test and the supervisor shall maintain the same record, and forward to Personnel.

- 16.53 A safety sensitive employee may request vacation or personal holiday and at the expiration of vacation, request leave without pay for the time the employee is relieved from duty. A safety sensitive employee whose test results are negative, will be reimbursed for the time. A safety sensitive employee whose test results are positive will not be reimbursed for the time.

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- 16.54 If the employee is injured, the employee will be placed on injury leave. In accordance with State Worker's Compensation laws, employees who are injured and have a positive alcohol test are not entitled to injury leave or other worker's compensation benefits.
- 16.55 If the breath alcohol level is between .02 and .04, the employee is removed from service for 24 hours to include 8 hours suspension without pay. For example, if an employee scheduled to work 8:00 a.m. – 4:30 p.m. tested positive at 1:00 p.m. He/she is off the clock 3.5 hours the work day of the test, and 4.5 hours the next work day, providing before 1:00 p.m. the next day, the person has a negative breath alcohol return to duty test.
- 16.56 If the breath alcohol level was between .02 and .04, the employee must take and pass a return to duty alcohol test at his/her own expense. If the test is negative, the employee may return to work. NOTE: a positive test result will be cause for termination with the City.
- 16.57 The employee will give the current Alcohol Test Administrator or appointed authority a check for the cost of the test made payable to the third party administrator to cover the expense of the return to duty test.
- 16.58 If the breath alcohol level was at or above .04, the employee is removed from service for at least 24 hours to include 8 hours suspension without pay. Before the employee can return to work, the employee will be meet with the department head and will be advised of the requirement to:
1. go to the Employee Assistance Program for evaluation and to set up a rehabilitation/treatment plan (the employee will be required to sign an acknowledgment of this plan),
  2. take and pass a return to duty alcohol test at the employee's expense. NOTE: a positive test result will be cause for termination with the City.

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3. be subject to follow-up testing. NOTE: a positive test result will be cause for termination with the City.
  4. The employee will be required to sign EAP release forms.
- 16.59 Personnel is responsible for making the appointment with EAP and the department head.
- 16.510 Personnel will be responsible for initiating the suspension paperwork.
- 16.511 Personnel will contact the employee and the supervisor when the employee has passed the return to duty test, to set the date the employee can return to work.
- 16.512 The employee will give the current Alcohol Test Administrator or appointed authority a check for the cost of the test made payable to the third party administrator to cover the expense of the return to duty test.
- 16.513 Leave Policy: At the conclusion of the suspension the employee will request vacation and/or personal holiday, and at the expiration of his/her vacation, request leave without pay until such time that he/she is released to return to work following a negative drug/alcohol test. Should he/she be required to undergo inpatient substance abuse treatment, he/she will be allowed to utilize accrued sick leave until the completion of inpatient treatment.
- 16.514 Release forms: The employee will be required to sign release of information forms by the Lincoln Employee Assistance Program to specified individuals with the City of Lincoln and third party administrator.
- 16.515 Questions, call the current Alcohol Test Administrator or appointed authority.

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APPENDIX I

LIST OF COVERED POSITIONS

# Appendix I

## List of Covered Positions

Within the following Job Classifications certain positions require possession of a Commercial Driver's License.

For purposes of this Policy and the City's drug and alcohol testing program, performing a "safety-sensitive function" means any of the following for positions covered by *Federal Transit Authority (FTA)*: (i) driving; (ii) the time spent waiting to be dispatched at a carrier's or shipper's terminal, plant, facility or other property, unless the driver has been relieved from duty; (iii) inspecting, serving or conditioning equipment; (iv) being in or on a commercial motor vehicle (except resting in the sleeper berth); (v) loading or unloading, including supervising or assisting in loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle; giving or receiving receipts for a shipment being loaded or unloaded; (vi) securing the vehicle and taking all of the other precautionary measures required by DOT regulations following an accident (40 CFR parts 392.40 and 392.41); (vii) repairing, obtaining assistance, or attending a disabled vehicle. The City reserves the right to amend the list of positions covered by this policy and the supervisory positions required to attend training without redrafting the entire policy.

### Public Works & Utilities, Transportation Division, StarTran Section

- Apprentice Mechanic
- Assistant Director of Transportation
- Garage Supervisor
- Bus Operations Superintendent
- StarTran Field Supervisor
- Bus Maintenance Superintendent
- Bus Mechanic I
- Bus Mechanic II
- Bus Mechanic III
- Bus Cleaner
- Bus Service Worker
- Bus Operator
- Planner II

### Mayor's Department, Aging Division, Handyman Services Section

- Entry Level Worker



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APPENDIX II

LIST OF SUPERVISORS

# Appendix II

## List of Supervisory Positions Drug and Alcohol Testing Training

### Public Works & Utilities, Transportation Division, StarTran Section

- Assistant Director of Transportation
- Garage Supervisor
- Bus Operations Superintendent
- StarTran Field Supervisor
- Bus Maintenance Superintendent
- Planner II

### Mayor's Department, Aging Division, Handyman Services Section

- Program Supervisor
- Maintenance Supervisor

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APPENDIX III

TERMS AND DEFINITIONS

# Terms and Definitions

## **Accident**

An occurrence associated with the operation of a City transit vehicle if it results in—

- A fatality;
- Injuries requiring immediate transportation to a medical treatment facility; or
- One or more vehicles incurs disabling damage that requires towing from the site.

## **Administrator**

The Administrator of the Federal Transit Administration or the Administrator's designee.

## **Adulterated Specimen**

A specimen is:

*adulterated* if the nitrite concentration is equal to or greater than 500 mcg/mL;  
*adulterated* if the pH is less than or equal to 3, or greater than or equal to 11;  
*adulterated* if a foreign substance is present, or if an endogenous substance (one that is normally found in urine) is present at a concentration greater than the normal physiological concentration.

## **Air Blank**

A reading by an EBT of ambient air containing no alcohol.

## **Alcohol**

The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

## **Alcohol Concentration**

The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under this part.

## **Alcohol Use**

The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

## **Aliquot**

A portion of a specimen used for testing.

## **Blind Sample or Blind Performance Test Specimen**

A urine specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from employee specimens, and which is spiked with known quantities of specific drugs or which is blank, containing no drugs.

**Breath Alcohol Technician (BAT)**

An individual who instructs and assists individuals in the alcohol testing process and operates an Evidential Breath Testing Device (EBT).

**Cancelled or Invalid Test**

In drug testing, a drug test that has been declared invalid by a Medical Review Officer. A cancelled test is neither a positive nor a negative test. For purposes of this part, a sample that has been rejected for testing by a laboratory is treated the same as a cancelled test. In alcohol testing, a test that is deemed to be invalid under §40.81 of this part. It is neither a positive nor a negative test.

**Certification**

A recipient's written statement, authorized by the organization's governing board or other authorizing official, that the recipient has complied with the provisions of this part.

**Chain of Custody**

Procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of specimen collection to final disposition. With respect to drug testing, these procedures shall require that an appropriate drug testing custody form (see §40.23(a)) be used from time of collection to receipt by the laboratory and that upon receipt by the laboratory (an) appropriate chain of custody form(s) account(s) for the sample aliquots within the laboratory.

**Collection Container**

A container into which the employee urinates to provide the urine sample used for a drug test.

**Collection Site**

A place designated by the employer where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

**Collection Site Person**

A person who instructs and assists individuals at a collection site and who receives and makes a screening examination of the urine specimen provided by those individuals.

**Confirmation (or Confirmatory) Test**

In drug testing, a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test to ensure reliability and accuracy. (Gas chromatography/mass spectrometry [GC/MS] is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.) In alcohol testing, a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.

**Consortium**

An entity, including a group or association of employers, operators, recipients, subrecipients, or contractors, that provides drug testing as required by this part, or other DOT drug testing rule, and that acts on behalf of the employer.

**Contractor**

A person or organization that provides a service for a recipient, subrecipient, employer, or operator consistent with a specific understanding or arrangement. The understanding can be a written contract or an informal arrangement that reflects an ongoing relationship between the parties.

**Covered Employee**

A person, including a volunteer, applicant, or transferee, who performs a safety-sensitive function for an entity subject to this part.

**DHHS**

The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

**Dilute Specimen**

The thinning, weakening or changing of urine by mixing it with water or other liquids. A specimen that has a creatinine reading less than 20 mg/dL but greater than 5 mg/dL, and a specific gravity less than 1.003 but greater than 1.001 would be reported as a dilute specimen.

**Disabling Damage**

Damage that prevents any of the vehicles involved from leaving the scene of the occurrence in its usual manner in daylight after simple repairs or damage to the vehicle such that it could have been operated but would have further damaged the vehicle if so operated. Disabling damage does not include damage that could be remedied temporarily at the scene of the occurrence without special tools or parts; tire disablement even if no spare tire is available; or damage to headlights, tail-lights, turn signals, horn or windshield wipers that makes them inoperative.

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|--|--|
| <b>DOT Agency</b>                              | An agency of the United States Department of Transportation administering regulations related to drug or alcohol testing, including the United States Coast Guard (for drug testing purposes only), the Federal Aviation Administration, the Federal Railroad Administration, the Federal Highway Administration, the Federal Transit Administration, the Research and Special Programs Administration, and the Office of the Secretary. |
| <b>Drug Metabolite</b>                         | The specific substance produced when the human body metabolizes a given prohibited drug as it passes through the body and is excreted in urine.  |
| <b>Drug Test</b>                               | The laboratory analysis of a urine specimen collected in accordance with 49 CFR part 40 and analyzed in a DHHS-approved laboratory.  |
| <b>EBT or Evidential Breath Testing Device</b> | An EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).  |
| <b>Education</b>                               | Efforts that include the display and distribution of informational materials, a community service hot-line telephone number for employee assistance, and the transit entity policy regarding drug use in the workplace.  |
| <b>Employee</b>                                | An individual designated in a DOT agency regulation as subject to drug testing and/or alcohol testing. As used in this part, "employee" includes an applicant for employment. "Employee" and "individual" or "individual to be tested" have the same meaning for purposes of this part.  |
| <b>Employee Assistance Program (EAP)</b>       | A program provided directly by an employer, or through a contracted service provider, to assist employees in dealing with drug or alcohol dependency and other personal problems. Rehabilitation and reentry to the work force are usually arranged through an EAP.  |
| <b>Employer</b>                                | A recipient or other entity that provides mass transportation service or which performs a safety-sensitive function for such recipient or other entity. This term includes subrecipients, operators, and contractors.  |
| <b>FTA</b>                                     | Federal Transit Administration   |

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| <b>Initial Test (also known as Screening Test)</b> | An immunoassay screen to eliminate "negative" urine specimens from further consideration.  |
| <b>Large Operator</b>                              | A recipient or subrecipient primarily operating in an area of 200,000 or more in population.   |
| <b>Medical Review Officer (MRO)</b>                | A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test results together with his or her medical history and any other relevant biomedical information.   |
| <b>Operator</b>                                    | A transit entity that is a recipient, directly or indirectly, of Federal funds under Section 3, 9, or 18 of the UMT Act of 1964, as amended, or is a recipient of Federal assistance under Section 103(e)(4) of Title 23 of the United States Code.  |
| <b>Pass a Drug Test</b>                            | <p>An individual passes a drug test when a Medical Review Officer determines, in accordance with procedures in 49 CFR part 40, that the results of the test:</p> <ul style="list-style-type: none"> <li>• Showed no evidence or insufficient evidence of prohibited drug or drug metabolite</li> <li>• Showed evidence of a prohibited drug or drug metabolite for which there was a legitimate medical explanation</li> <li>• Were scientifically insufficient to warrant further action</li> <li>• Were suspect because of irregularities in the administration of the test, or observation, or custody and control procedures.</li> </ul> |
| <b>Performing a Safety-Sensitive Function</b>      | A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.   |



**Probationary Employee**

An employee who has not completed his or her probationary period after original employment. The probationary period is a working test period during which an employee, newly appointed from a list, is required to demonstrate his or her fitness for a position to which said employee is appointed by actual performance of the duties of the position. The probationary period shall not exceed six months.

**Permanent Record Book**

A permanently bound book in which identifying data on each specimen collected at a collection site are permanently recorded in the sequence of collection. May be used in conjunction with a modified urine custody and control form to document collection.

**Post-Accident Test**

A drug test administered to an employee when an accident (as previously defined) has occurred and the employee performed a safety-sensitive function that either contributed to the accident, or cannot be completely discounted as a contributing factor in the accident.

**Pre-Employment Test**

A drug test given to an applicant or employee who is being considered for a safety-sensitive position. The applicant or employee must be informed of the purpose for the urine collection prior to actual collection.

**Prohibited Drug**

Marijuana, cocaine, opiates, amphetamines, or phencyclidine.

**Protocol**

A procedure requiring strict adherence to achieve scientifically valid test results from specimen collection and laboratory testing of urine specimens.

**Qualified Laboratory**

A laboratory certified by the DHHS to conduct urine drug testing and which permits unannounced inspections by the recipient, operator, or FTA Administrator.

**Random Test**

A drug test annually to a predetermined percentage of employees who perform in safety-sensitive functions and who are selected on a scientifically defensible random and unannounced basis.

**Reason to Believe**

Objective information indicating that a particular individual may alter or substitute a urine specimen.

**Reasonable Suspicion Test**

A drug test given to a current employee who performs in a safety-sensitive position and who is reasonably suspected by at least one trained supervisor of using a prohibited drug.

|  |   |
|--|---|
| <b>Recipient</b>                             | An entity receiving Federal financial assistance under Section 3, 9, or 18, of the FT Act, or under Section 103(e)(4) of Title 23 of the United States Code.  |
| <b>Refuse to Submit (to an alcohol test)</b> | A covered employee fails to provide adequate breath for testing without a valid medical after he or she has received notice of the requirement to be tested in accordance with the provisions of this part, or engages in conduct that clearly obstructs the testing process.   |
| <b>Refuse to Submit (to a drug test)</b>     | A covered employee fails to provide a urine sample as required by 49 CFR part 40, without a valid medical explanation, after he or she has received notice of the requirement to be tested in accordance with the provisions of this subpart, or engages in conduct that clearly obstructs the testing process, which may include but is not limited to specimen adulteration, substitution, or failure to give a split sample. |
| <b>Regular Employee</b>                      | An employee who has been appointed to a position in the classified service in accordance with Lincoln Municipal Code after successful completion of a probationary period.  |
| <b>Return to Duty Test</b>                   | An initial drug test prior to return to duty and additional unannounced drug tests (for a period up to 60 months) given to employees performing in safety-sensitive functions who previously tested positive to a drug test and are returning to safety-sensitive positions. A return-to-duty test is also required of an individual who has refused another type of test required by the FTA rule.                             |
| <b>Revenue Service Vehicle</b>               | A vehicle used to transport passengers, including a bus, van, car, railcar, locomotive, trolley car, trolley bus, ferry boat, or a vehicle used on a fixed guideway or inclined plane.  |
| <b>Safety-Sensitive Function</b>             | Any of the following duties: <ul style="list-style-type: none"> <li>• Operating a revenue service vehicle, including when not in revenue service;</li> <li>• Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License;</li> <li>• Controlling dispatch or movement of a revenue service vehicle;</li> </ul>   |

- Maintaining a revenue service vehicle or equipment used in revenue service, unless the recipient receives section 18 funding and contracts out such services;
- Carrying a firearm for security purposes.

**SAMHSA**

Substance Abuse Mental Health Services Administration.

**Safety-Sensitive Position**

A duty position or job category that requires the performance of a safety-sensitive function(s).

**Screening Test (or initial test)**

In drug testing, an immunoassay screen to eliminate "negative" urine specimens from further analysis. In alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

**Secretary**

The Secretary of Transportation or the Secretary's designee. The Secretary's designee may be a contractor or other recognized organization that acts on behalf of the Secretary in implementing the DOT and FTA drug use control regulations.

**Shipping Container**

A container capable of being secured with a tamper-evident seal that is used to transfer one or more urine specimen bottle(s) and associated documentation from the collection site to the laboratory.

**Small Operator**

A recipient or subrecipient primarily operating in an area of less than 200,000 in population.

**Specimen Bottle**

The bottle that, after being labeled and sealed, is used to transmit a urine sample to the laboratory.

**Split Specimen**

An additional specimen collected with the original specimen, to be tested in the event the original specimen tests positive.

**Substance Abuse Professional (SAP)**

A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission), with knowledge of and clinical experience in the diagnosis and treatment of drug- and alcohol-related disorders.

**Substituted Specimen**

To replace one's urine with another's or with a different substance. A specimen that has a creatinine of less than or equal to 5 mg/dL and a specific gravity less than or equal to 1.001 or greater than or equal to 1.020 will be reported as a substituted specimen. (Such specimens do not exhibit the clinical signs or characteristics associated with normal urine.)

**Temporary Employee**

An employee appointed to a non-career service position in the unclassified service, or appointed to a career service position for a specific purpose and limited length of time not to exceed one year.

**Training**

Providing information about the effects and consequences of drug use on personal health, safety, and the work environment; about the work environment; and about the manifestations and behavioral cues that may indicate drug use and abuse.

**Vehicle**

A bus, electric bus, van, automobile, railcar, trolley car, trolley bus, or vessel. A "mass transit vehicle" is a vehicle used for mass transportation.

**Verified Negative (drug test result)**

A drug test result reviewed by a Medical Review Officer and determined to have **no** evidence of prohibited drug use.

**Verified Positive (drug test result)**

A drug test result reviewed by a Medical Review Officer and determined to **have** evidence of prohibited drug use.

**Violation Rate**

The number of covered employees found during random tests to have an alcohol concentration of 0.04 or greater, plus the number of employees who refuse a random test required, divided by the total reported number of employees in the industry given random alcohol tests plus the total reported number of employees in the industry who refuse a random test.

**Volunteer**

A permanent, temporary, or part-time worker who is not compensated for his/her service and who is included in the requirements of the FTA drug and alcohol regulations.

## APPENDIX IV

### FACT SHEETS ON DRUGS AND ALCOHOL

### Drug Detection Periods

Detection periods vary; rates of metabolism and excretion are different for each drug and use. Detection periods should be viewed as estimates. Cases can always be found to contradict these approximations.

| Drug   | Detection Period                 |
|--|----------------------------------|
| <b>Amphetamines</b><br>Amphetamine<br>Methamphetamine                          | 2-4 days<br>2-4 days             |
| <b>Cocaine</b><br>Benzoylecgonine  | 12-72 hours                      |
| <b>Cannabinoids (Marijuana)</b><br>Casual Use<br>Chronic Use                   | 2-7 days<br>Up to 30 days        |
| <b>Ethanol (Alcohol)</b>   | 12-24 hours                      |
| <b>Opiates</b><br>Codeine<br>Hydromorphone (Dilaudid)<br>Morphine (for Heroin) | 2-4 days<br>2-4 days<br>2-4 days |
| <b>Phencyclidine (PCP)</b><br>Casual Use<br>Chronic Use                        | 2-7 days<br>Up to 30 days        |

## **Alcohol Fact Sheet**

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

### **Signs and Symptoms of Use**

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

### **Health Effects**

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass] over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholic")
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related).

### **Social Issues**

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- Forty percent of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

### **The Annual Toll**

- 24,000 people will die on the highway due to the legally impaired driver.
- 12,000 more will die on the highway due to the alcohol-affected driver.
- 15,800 will die in non-highway accidents.
- 30,000 will die due to alcohol-caused liver disease.
- 10,000 will die due to alcohol-induced brain disease or suicide.
- Up to another 125,000 will die due to alcohol-related conditions or accidents.

### **Workplace Issues**

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

## **Amphetamine Fact Sheet**

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration at higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Most amphetamines that are abused are illegally manufactured in foreign countries and smuggled into the U.S. or clandestinely manufactured in crude laboratories.

### **Description**

- Amphetamine is sold in counterfeit capsules or as white, flat, double-scored "mini-bennies." It is usually taken by mouth.
- Methamphetamine is often sold as a creamy white and granular powder or in lumps and is packaged in aluminum foil wraps or sealable plastic bags. Methamphetamine may be taken orally, injected, or snorted into the nose.
- Trade/street names include Biphedamine, Delcobese, Desotyn, Detedrine, Chetrol, Ritalin, Speed, Meth, Crank, Crystal, Monster, Black Beauties, and Rits.

### **Signs and Symptoms of Use**

- Hyperexcitability, restlessness
- Dilated pupils
- Increased heart rate and blood pressure
- Heart palpitations and irregular beats
- Profuse sweating
- Rapid respiration
- Confusion
- Panic
- Talkativeness
- Inability to concentrate
- Heightened aggressive behavior.

### **Health Effects**

- Regular use produces strong psychological dependence and increasing tolerance to drug.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce a heart attack or stroke due to spiking of blood pressure.
- Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels.
- The euphoric stimulation increases impulsive and risk-taking behaviors, including bizarre and violent acts.
- Withdrawal from the drug may result in severe physical and mental depression.

### **Workplace Issues**

- Since amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness because of unusual overtime demands or failure to get rest.
- Low-dose amphetamine use will cause a short-term improvement in mental and physical functioning. With greater use or increasing fatigue, the effect reverses and has an impairing effect. Hangover effect is characterized by physical fatigue and depression, which may make operation of equipment or vehicles dangerous.



## Cocaine Fact Sheet

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant. The entire central nervous system is energized. Muscles are more tense, the heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

### Description

- The source of cocaine is the coca bush, grown almost exclusively in the mountainous regions of northern South America.
- Cocaine Hydrochloride — "snorting coke" is a white to creamy granular or lumpy powder that is chopped into a fine powder before use. It is snorted into the nose, rubbed on the gums, or injected in veins. The effect is felt within minutes and lasts 40 to 50 minutes per "line" (about 60 to 90 milligrams). Common paraphernalia includes a "crack pipe" (a small glass smoking device for vaporizing the crack crystal) and a lighter, alcohol lamp, or small butane torch for heating.
- Trade/street names include Coke, Rock, Crack, Free Base, Flake, Snow, Smoke, and Blow.

### Signs and Symptoms of Use

- Financial problems
- Frequent and extended absences from meetings or work assignment
- Increased physical activity and fatigue
- Isolation and withdrawal from friends and normal activities
- Secretive behaviors, frequent nonbusiness visitors, delivered packages, phone calls
- Unusual defensiveness, anxiety, agitation
- Wide mood swings
- Runny or irritated nose
- Difficulty in concentration
- Dilated pupils and visual impairment
- Restlessness
- Formication (sensation of bugs crawling on skin)
- High blood pressure, heart palpitations, and irregular rhythm
- Hallucinations
- Hyperexcitability and overreaction to stimulus
- Insomnia
- Paranoia and hallucinations
- Profuse sweating and dry mouth
- Talkativeness.

### Health Effects

- Research suggests that regular cocaine use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing irreparable damage to critical nerve cells. The onset of nervous system illnesses such as Parkinson's disease could also occur.
- Cocaine use causes the heart to beat faster and harder and rapidly increases blood pressure. In addition, cocaine causes spasms of blood vessels in the brain and heart. Both effects lead to ruptured vessels causing strokes or heart attacks.
- Strong psychological dependency can occur with one "hit" of crack. Usually, mental dependency occurs within days (crack) or within several months (snorting coke). Cocaine causes the strongest mental dependency of any known drug.
- Treatment success rates are lower than for other chemical dependencies.
- Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid. The fatal effects of an overdose are not usually reversible by medical intervention. The number of cocaine overdose deaths has tripled in the last four years.
- Cocaine overdose was the second most common drug emergency in 1986 — up from 11th place in 1980.

### Workplace Issues

- Extreme mood and energy swings create instability. Sudden noises can cause a violent reaction.
- Lapses in attention and ignoring warning signals greatly increase the potential for accidents.
- The high cost of cocaine frequently leads to workplace theft and/or dealing.
- A developing paranoia and withdrawal create unpredictable and sometimes violent behavior.
- Work performance is characterized by forgetfulness, absenteeism, tardiness, and missed assignments.

## Cannabinoids (Marijuana) Fact Sheet

Marijuana is one of the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing and mood- and perception-altering effects it produces.

### Description

- Usually sold in plastic sandwich bags, leaf marijuana will range in color from green to light tan. The leaves are usually dry and broken into small pieces. The seeds are oval with one slightly pointed end. Less prevalent, hashish is a compressed, sometimes tarlike substance ranging in color from pale yellow to black. It is usually sold in small chunks wrapped in aluminum foil. It may also be sold in an oily liquid.
- Marijuana has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense.
- Cigarette papers, roach clip holders, and small pipes made of bone, brass, or glass are commonly found. Smoking "bongs" (large bore pipes for inhaling large volumes of smoke) can easily be made from soft drink cans and toilet paper rolls.
- Trade/street names include Marinol, THC, Pot, Grass, Joint, Reefer, Acapulco Gold, Sinsemilla, Thai Sticks, Hash, and Hash Oil.

### Signs and Symptoms of Use

- Reddened eyes (often masked by eyedrops)
- Slowed speech
- Distinctive odor on clothing
- Lackadaisical "I don't care" attitude
- Chronic fatigue and lack of motivation
- Irritating cough, chronic sore throat.

### Health Effects

#### General

- When marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.
- One joint causes the heart to race and be overworked. People with undiagnosed heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus *Aspergillus*, which can cause serious respiratory tract and sinus infections.
- Marijuana smoking lowers the body's immune system response, making users more susceptible to infection. The U.S. government is actively researching a possible connection between marijuana smoking and the activation of AIDS in positive human immunodeficiency virus (HIV) carriers.

#### Pregnancy Problems and Birth Defects

- The active chemical, tetrahydrocannabinol (THC), and 60 other related chemicals in marijuana concentrate in the ovaries and testes.
- Chronic smoking of marijuana in males causes a decrease in sex hormone, testosterone, and an increase in estrogen, the female sex hormone. The result is a decrease in sperm count, which can lead to temporary sterility. Occasionally, the onset of female sex characteristics including breast development occurs in heavy users.
- Chronic smoking of marijuana in females causes a decrease in fertility and an increase in testosterone.
- Pregnant women who are chronic marijuana smokers have a higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life.
- In test animals, THC causes birth defects, including malformations of the brain, spinal cord, forelimbs, and liver and water on the brain and spine.
- Offspring of test animals who were exposed to marijuana have fewer chromosomes than normal, causing gross birth defects or death of the fetus. Pediatricians and surgeons are concluding that the use of marijuana by either or both parents, especially during pregnancy, leads to specific birth defects of the infant's feet and hands.
- One of the most common effects of prenatal cannabinoid exposure is underweight newborn babies.
- Fetal exposure may decrease visual functioning and causes other ophthalmic problems.

## Mental Function

Regular use can cause the following effects:

- Delayed decision-making
- Diminished concentration
- Impaired short-term memory, interfering with learning
- Impaired signal detection (ability to detect a brief flash of light), a risk for users who are operating machinery
- Impaired tracking (the ability to follow a moving object with the eyes) and visual distance measurements
- Erratic cognitive function
- Distortions in time estimation
- Long-term negative effects on mental function known as "acute brain syndrome," which is characterized by disorders in memory, cognitive function, sleep patterns, and physical condition.

## Acute Effects

- Aggressive urges
- Anxiety
- Confusion
- Fearfulness
- Hallucinations
- Heavy sedation
- Immobility
- Mental dependency
- Panic
- Paranoid reaction
- Unpleasant distortions in body image.

## Workplace Issues

- The active chemical, THC, stores in body fat and slowly releases over time. Marijuana smoking has a long-term effect on performance.
- A 500 to 800 percent increase in THC concentration in the past several years makes smoking three to five joints a week today equivalent to 15 to 40 joints a week in 1978.
- Combining alcohol or other depressant drugs and marijuana can produce a multiplied effect, increasing the impairing effect of both the depressant and marijuana.

## **Opiates (Narcotics) Fact Sheet**

Opiates (also called narcotics) are drugs that alleviate pain, depress body functions and reactions, and, when taken in large doses, cause a strong euphoric feeling.

### **Description**

- Natural and natural derivatives — opium, morphine, codeine, and heroin
- Synthetics — meperidine (Demerol), oxymorphone (Numorphan), and oxycodone (Percodan)
- May be taken in pill form, smoked, or injected, depending upon the type of narcotic used.
- Trade/street names include Smack, Horse, Emma, Big D, Dollies, Juice, Syrup, and China White.

### **Signs and Symptoms of Use**

- Mood changes
- Impaired mental functioning and alertness
- Constricted pupils
- Depression and apathy
- Impaired coordination
- Physical fatigue and drowsiness
- Nausea, vomiting, and constipation
- Impaired respiration.

### **Health Effects**

- IV needle users have a high risk for contracting hepatitis and AIDS due to the sharing of needles.
- Narcotics increase pain tolerance. As a result, people could more severely injure themselves or fail to seek medical attention after an accident due to lack of pain sensitivity.
- Narcotics' effects are multiplied when used in combination with other depressant drugs and alcohol, causing increased risk for an overdose.

### **Social Issues**

- There are over 500,000 heroin addicts in the U.S., most of whom are IV needle users.
- An even greater number of medicinal narcotic-dependent persons obtain their narcotics through prescriptions.
- Because of tolerance, there is an ever-increasing need for more narcotic to produce the same effect.
- Strong mental and physical dependency occurs.
- The combination of tolerance and dependency creates an increasing financial burden for the user. Costs for heroin can reach hundreds of dollars a day.

### **Workplace Issues**

- Unwanted side effects such as nausea, vomiting, dizziness, mental clouding, and drowsiness place the legitimate user and abuser at higher risk for an accident.
- Narcotics have a legitimate medical use in alleviating pain. Workplace use may cause impairment of physical and mental functions.

## **Phencyclidine (PCP) Fact Sheet**

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Phencyclidine acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood-altering effects. Low doses produce sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare with the eyelids half closed. Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication.

### **Description**

- PCP is sold as a creamy, granular powder and is often packaged in one-inch square aluminum foil or folded paper "packets."
- It may be mixed with marijuana or tobacco and smoked. It is sometimes combined with procaine, a local anesthetic, and sold as imitation cocaine.
- Trade/street names include Angel Dust, Dust, and Hog.

### **Signs and Symptoms of Use**

- Impaired coordination
- Severe confusion and agitation
- Extreme mood shifts
- Muscle rigidity
- Nystagmus (jerky eye movements)
- Dilated pupils
- Profuse sweating
- Rapid heart beat
- Dizziness.

### **Health Effects**

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- PCP is potentiated by other depressant drugs, including alcohol, increasing the likelihood of an overdose reaction.
- Misdiagnosing the hallucinations as LSD induced, and then treating with Thorazine, can cause a fatal reaction.
- Use can cause irreversible memory loss, personality changes, and thought disorders.
- There are four phases to PCP abuse. The first phase is acute toxicity. It can last up to three days and can include combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distance perception are common. The second phase, which does not always follow the first, is a toxic psychosis. Users may experience visual and auditory delusions, paranoia, and agitation. The third phase is a drug-induced schizophrenia that may last a month or longer. The fourth phase is PCP-induced depression. Suicidal tendencies and mental dysfunction can last for months.

### **Workplace Issues**

- PCP abuse is less common today than in recent years. It is also not generally used in a workplace setting because of the severe disorientation that occurs.

*Federal Transit Authority (FTA)*  
*Drug/Alcohol Testing Program Policy*

APPENDIX V

PROGRAM RESOURCES

# Appendix V

City of Lincoln  
Drug and Alcohol Program Resources  
Effective June 2001

| Title/Provider  | Name/Address/Phone  |
|---|---|
| <b>Program Administrator</b>  | Georgia Glass, Director of Personnel<br>wk (402) 441-7888 hm (402) 327-0135   |
| <b>Program Manager</b>  | Pat Kant, Personnel Coordinator<br>wk (402) 441-7880 hm (402) 464-9649  |
| <b>Employment Technicians</b>   | Douglas Thorpe<br>wk (402) 441-7531   |
| <b>Drug and Alcohol Collection Service</b>  | <div> <div>U. S. Health Works Medical Clinic      <b>(Breath Alcohol/Drug)</b></div> <div>6400 Cornhusker Highway, Suite #150</div> <div>Lincoln, NE 68507</div> <div>(402) 465-0010</div> </div> <div> <div><u>Hours</u></div> <div>M-F excluding holidays</div> <div>8:00am - 5pm</div> </div>  |
|   | <div> <div>Quest Diagnostics      <b>(Drug Only)</b></div> <div>1919 South 40th, Suite 333</div> <div>Lincoln, NE 68506</div> <div>(402) 483-5053</div> </div> <div> <div><u>Hours</u></div> <div>M-F</div> <div>8:00a - 3:00p</div> </div>   |
|   | <div> <div>Quest/BryanLGH West      <b>(Drug Only)</b></div> <div>FORMERLY CALLED LINCOLN GENERAL HOSPITAL</div> <div>Report Directly to Laboratory, By-Pass Registration</div> <div>2300 South 16th St.</div> <div>Lincoln, NE 68502</div> <div>(402) 473-5294</div> </div> <div> <div>7 days/week</div> <div>3:00p - 8:00p</div> <div>Holidays - 24 hrs.</div> </div> |
|   | <div> <div>Cornhusker Place Inc.      <b>(Breath Alcohol/Drug)</b></div> <div>721 "K" Street</div> <div>Lincoln, NE 68508</div> <div>(402) 477-3951</div> </div> <div> <div>7 days/week</div> <div>3:00p - 8:00a</div> <div>Holidays - 24 hrs.</div> </div>   |
|   |   |
| <b>Drug and Alcohol Counseling Services<br/>and<br/>Substance Abuse Professional (SAP)</b>                                | Continuum<br>Formerly Lincoln Employee Assistance Program, Inc.<br>1135 M Street, Suite 400<br>Lincoln, NE 68508<br>(402) 476-0186  |
| <b>Medical Review Officers</b><br>Western Pathology Consultants<br>P.O. Box 1936<br>Scottsbluff, NE 69363<br>800-682-5176 | Richard Simmons – M.D.<br>Donald Singer – M.D.<br>Holly Hasson – M.D.<br>Mark Fajardo – M.D.<br>Stephanie J. Johnson – M.D.   |
| <b>Testing Laboratory</b>   | Quest Laboratories<br>San Diego, California   |

*Federal Transit Authority (FTA)*  
*Drug/Alcohol Testing Program Policy*

APPENDIX VI

FORMS



AUTHORIZATION FOR RELEASE OF INFORMATION

This is to authorize \_\_\_\_\_  
(treatment personnel or facility)

\_\_\_\_\_  
(address) (phone #)

to discuss my treatment program, return to duty, and drug free surveillance program

with a physician from the third party administrator,

Western Pathology Consultants, P.C. being the Medical Review Officers for

\_\_\_\_\_  
City of Lincoln  
(company name)

It is understood that the information obtained by the Medical Review Officer will  
be held in strictest confidence.

Dated \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
(Printed Name) (Signature)

\_\_\_\_\_  
(Social Security Number)

-----  
STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing Authorization for Release of Information was subscribed and

sworn before me by \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

*Federal Transit Authority (FTA)*  
*Drug/Alcohol Testing Program Policy*

APPENDIX VII

AGREEMENT

# Appendix VII

## Agreement

A.T.U. #1293 and the City of Lincoln agree that the Drug & Alcohol testing policy attached hereto shall be effective January 1, 1996 and shall remain in effect thereafter unless either party notifies the other in writing that it desires to modify this agreement. The Policy and Agreement will remain in full force and effect during the period of negotiations.

Both parties acknowledge that the City has the responsibility to amend this policy for those practices mandated by the Federal Department of Transportation, without negotiations.

**IN WITNESS WHEREOF**, the parties hereto have set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

CITY OF LINCOLN, NEBRASKA  
a municipal corporation,

LOCAL 1293 OF THE  
AMALGAMATED TRANSIT UNION

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
President, Local 1293

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Financial Secretary